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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,737	12/09/2004	Goran Sundholm	U 015526-1	5923

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NEW YORK, NY 10023

EXAMINER

GORMAN, DARREN W

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/517,737

Applicant(s)

SUNDHOLM ET AL.

Examiner

Darren W. Gorman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/18/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The IDS filed on April 18, 2005 is hereby acknowledged and has been placed of record.

Please find attached a signed and initialed copy of the PTO 1449.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spraying heads being provided with the "protective element" as recited in claim 11, and the spraying heads in the "pre-activated" state as recited in claims 1 and 11, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Minor Claim Suggestions By Examiner

3. The following change(s) are recommended to improve clarity of the claims. The claims have been examined on the merits including the suggested changes below.

In claim 4, on line 4, "re- leased" should be replaced with --released--

In claim 11, on line 11, "the-first nozzles" should be replaced with --the first nozzles--

Claim Objections

4. Claim 11 is objected to because of the following informalities: The recitation on lines 7-8, "said apparatus being used in a stage-wise manner" may be construed such that claim 11 is a "use" claim. The Examiner recommends deleting the aforementioned phrase in order to overcome this objection.

Appropriate correction is required.

5. Claim 13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim substantially repeats that the spraying heads are

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provided with protective elements protecting at least one nozzle and/or heat-activated triggering means of the spraying head, as recited on lines 6-7 of claim 11.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, on line 1, the recitation, “especially in a tunnel or equivalent” is indefinite, because it is unclear whether the limitations following “especially” are part of the claimed invention. See MPEP § 2173.05(d).

Further regarding claim 1, on line 5, the recitation, “especially by creating in the space at least one curtain of extinguishing medium” is indefinite, because it is unclear whether the limitations following “especially” are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 7, on line 2, in the recitation, “an aqueous liquid and/or a mixture of an aqueous liquid and a gas”, the use of the phrase “and/or” renders the claim indefinite, because one cannot determine whether the claim is reciting one, the other, or both.

Regarding claim 8, the recitation, “especially water mist” is indefinite, because it is unclear whether the limitations following “especially” are part of the claimed invention. See MPEP § 2173.05(d).

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Regarding claim 11, on lines 1-2, the recitation, “especially in a tunnel or equivalent” is indefinite, because it is unclear whether the limitations following “especially” are part of the claimed invention. See MPEP § 2173.05(d).

Further regarding claim 11, on line 4, the recitation, “preferably mounted on first spraying heads” is indefinite, because it is unclear whether the limitations following “preferably” are part of the claimed invention. See MPEP § 2173.05(d).

Further regarding claim 11, on line 5, the recitation, “and a number of spraying heads” is indefinite because it is unclear whether these spraying heads are one and the same as the first spraying heads recited on line 4 of the claim, or if these spraying heads are the one and the same as the second spraying heads recited on line 11, or if these spraying heads are different from either of the first and second spraying heads recited.

Further regarding claim 11, on line 6, the recitation, “such as a protective cup” is indefinite, because it is unclear whether the limitations following “such as” are part of the claimed invention. See MPEP § 2173.05(d).

Further regarding claim 11, on lines 6-7 (and also claim 13, on line 3), in the recitation, “at least one nozzle and/or heat-activated triggering means of the spraying head”, the use of the phrase “and/or” renders the claim indefinite, because one cannot determine whether the claim is reciting that the protective element protects one, the other, or both.

Further regarding claim 11, on line 10, the recitation, “especially by forming at least one curtain of extinguishing medium” is indefinite, because it is unclear whether the limitations following “especially” are part of the claimed invention. See MPEP § 2173.05(d).

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Further regarding claim 11, on lines 10-11, the recitation, “preferably by means of the first nozzles of the first spraying heads” is indefinite, because it is unclear whether the limitations following “preferably” are part of the claimed invention. See MPEP § 2173.05(d).

Further regarding claim 11, on lines 12-13, in the recitation, “the nozzle and/or heat-activated triggering means”, the use of the phrase “and/or” renders the claim indefinite, because one cannot determine whether the claim is reciting that the nozzles are pre-activated by releasing the protective element covering one, the other, or both.

Regarding claim 15, on lines 2-3, in the recitation, “valve elements and/or check valves”, the use of the phrase “and/or” renders the claim indefinite, because one cannot determine whether the claim is reciting that the apparatus is divided into several fire zones by means of one, the other, or both.

Regarding claim 18, the recitation, “the spraying heads disposed in the edge areas” lacks antecedent basis.

Allowable Subject Matter

8. Claims 1-18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents to Jamison, Uetake et al., Kotliar, and Sundholm, are cited as of interest. International Publication to Sundholm is also cited as of interest.

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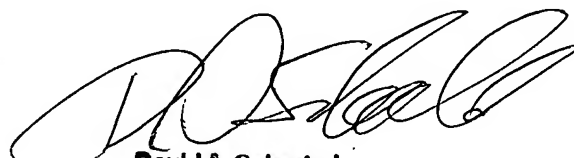
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Gorman whose telephone number is 571-272-4901. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Darren W Gorman
Examiner
Art Unit 3752

DWG 4/6/06
DWG
April 6, 2006


David A. Scherbel
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